



Reply To
Attn Of: HW-113

NOV 14 1989

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Addressees

Re: CERCLA Information Request;
Bunker Hill Superfund Site Upstream Mining Companies

Dear :

I am writing with respect to the Bunker Hill Superfund site in northern Idaho, at which the Environmental Protection Agency (EPA) has documented the release or threatened release of hazardous substances. In September 1983, this site was listed on the National Priorities List pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. § 9601 et seq. (CERCLA).

The purpose of this letter is to apprise you of EPA's Superfund activities at the Bunker Hill site, and to request information regarding Asarco's involvement at this site. EPA also invites you to participate in ongoing mediation negotiations between EPA and the Bunker Hill Potentially Responsible Parties (PRPs) to develop and implement appropriate response actions.

Bunker Hill Superfund Site Investigation and Cleanup

Since 1987, EPA has been overseeing the Bunker Hill Superfund site Remedial Investigation and Feasibility Study (RI/FS), which has been divided into two pieces. Gulf Resources & Chemical Corporation, a former owner and operator of the Bunker Hill facility, is conducting the RI/FS for the non-residential areas of the site, while the State of Idaho is performing the residential area RI/FS. Both the residential and non-residential area RI/FSs are expected to be completed by 1992, following which one or more Record of Decisions (RODs) will be prepared for remedial action at the site. In addition, EPA has undertaken two separate removal actions at the site, in 1986 to remove and replace contaminated soils in public areas, and the ongoing 1989 removal and replacement of contaminated soils in residential yards at homes with pregnant women or with children three years of age and younger.

Because of the length of time necessary to complete the RI/FSs, EPA has decided to enter into negotiations with potentially responsible parties for cleanup of certain other portions of the Bunker Hill site where there is sufficient information to base cleanup decisions prior to completion of the

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RI/FSS for the entire site. At present, EPA, the Idaho Department of Health and Welfare, and Gulf Resources & Chemical Corporation are discussing such cleanup activities with the assistance of the Mediation Institute, a group of professional mediators. The first subject being considered is the revegetation of the barren hillsides in the area. If this first mediation negotiation is successful, negotiations to conduct certain other remedial activities prior to the completion of the RI/FSS for the entire site may be considered by EPA.

EPA is also in the process of identifying all PRPs at the Bunker Hill site to ensure a voluntary and full participatory site cleanup. Attached to this letter is a list of the PRPs which EPA has named to date, as well as those companies for which EPA has requested additional information and/or notified of the mediation negotiations. One category of PRPs which EPA is evaluating at this time is the major upstream dischargers of mine tailings which may have contaminated portions of the Bunker Hill site.

Responsible parties under Section 107(a) of CERCLA include the current and past owners and operators of the facility or site, persons who currently lease property at the site or who have leased property at the site in the past, and persons who generated hazardous substances or who were involved in the transport, treatment, or disposal of such substances at the site. 42 U.S.C. § 9607(a)(1)-(4). Under CERCLA, any cost incurred by the government in responding to a release or threatened release of hazardous substances at the site, including the investigations, planning, studies and cleanup, is the liability of the responsible parties. Liability under Section 107 of CERCLA is strict, joint, and several for all responsible parties.

Request For Information

Under the provisions of Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), as amended, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927, as amended, EPA has the authority to require any person who has or may have information relevant to the following to furnish such information: (1) the identification, nature, and quantity of materials which have been or are generated, treated, stored or disposed of at the facility; (2) the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and (3) information relating to the ability of a person to pay for or perform a cleanup.

The "site" as used in this letter refers to the term "facility" as defined as "any site or area where a hazardous substance has been deposited, stored, disposed of or placed, or otherwise come to be located. . . ." 42 U.S.C. § 9601(9). The Bunker Hill site encompasses approximately 21 square miles in the

Silver Valley of northern Idaho as depicted on the enclosed map. For purposes of this information request, please refer to this map when asked to provide information about the Bunker Hill Superfund site. The terms "hazardous substances" and "pollutants or contaminants" are defined in Sections 101(14) and 101(33), respectively.

Pursuant to the EPA's statutory authority contained in Section 104(e) of CERCLA and Section 3007 of RCRA, you are hereby requested to submit information in response to the questions listed below. When responding to these questions, please include all available information of past practices and procedures as well as those currently in use:

1. Please list your current business or mailing address for any facility you have owned, leased or operated within the Bunker Hill Superfund site or any such facilities that discharged mine or mill tailings to the South Fork Coeur d'Alene River upstream of the Bunker Hill Superfund site. Please describe how long each facility has been in operation at its current location and any previous locations. Please list all prior owners, lessors and operators of such facilities.
2. Describe the ownership of your company or business, including but not limited to whether it is a sole proprietorship, limited partnership, corporation or other form of legal organization or entity. Provide the date when you began operating your business including the dates of any organizational changes such as incorporation. Provide the names and addresses of any subsidiaries or companies in which your business has an interest, and briefly describe the activities in which they do business. List the owners, directors, and officers of your company or corporation and describe any changes in organization or ownership since you started operating your facility within the Bunker Hill site or upstream on the South Fork Coeur d'Alene River.
3. Please provide a general description of all releases of hazardous substances from any of your facilities within the Bunker Hill site, or any discharges of mine or mill tailings to the South Fork Coeur d'Alene River upstream of the site. Briefly describe the processes, activities, and operations carried out by you or your company involving such hazardous substances, pollutants, or contaminants and provide copies of any federal or state permits concerning the discharge or disposal of such substances.
4. Please provide all records regarding the quantity and the nature (including but not limited to quantity, chemical composition, etc.,) of materials released into the environment within the Bunker Hill site or discharged to the South Fork Coeur d'Alene River upstream of the site. Please

specify the time periods and location of all releases and discharges.

5. Provide the name of all of your liability insurance carriers and copies of any liability insurance policies that may provide liability coverage for damages resulting from releases of hazardous substances and/or wastes, pollutants, or contaminants. If your insurance policies are voluminous, or if you prefer not to submit them at this time but agree to submit the policies or make them available to EPA at a later date, you may provide EPA with a list of such insurance policies along with the name of the insurer, and the dates, extent, and amounts of such coverage.
6. Please provide any other documents, records, correspondence, or other information regarding the use, treatment, storage, and disposal of materials at your facilities including discharges of such materials into the South Fork Coeur d'Alene River.
7. Provide a list and the current or last known address and telephone numbers of all persons or companies which may have knowledge relating to any of the above questions.

Your written response to these questions must be sent to EPA within twenty-one (21) calendar days of your receipt of this letter. Your response should include all information and records or documents you have related to the above questions. If any records are not in your possession, provide the current location and custodian of such records. If the information you possess is voluminous, you may respond within the 21-day period as to the availability of all related records and provide a written description of the types of information available. Specifically, describe the types of records that were maintained by you or your company with regard to the above questions, including the date of the records, and their current custodian.

EPA regulations governing confidentiality of business information are set forth in Part 2, Subpart B of Title 40 of the Code of Federal Regulations, 41 Federal Register 36901-36924 (September 1, 1976), as amended by 43 Fed. Reg. 39997 (March 17, 1983) and 50 Fed. Reg. 71771 (December 18, 1985). For any portion of the information submitted which is entitled to confidential treatment, a confidentiality claim may be asserted in accordance with Section 104(e)(7) of CERCLA, 42 U.S.C. § 9604(e)(7), and 40 CFR Section 2.203(b). If EPA determines that the information so designated meets the criteria set forth in Section 104(e)(7) of CERCLA and 40 CFR Section 2.203, the information will be disclosed to the extent, and by means of the procedures, specified in 40 CFR Part 2, Subpart B. EPA will construe the failure to furnish a confidentiality claim with your response to this letter as a waiver of the claim, and information

may be made available to the public by EPA without further notice.

Please respond to us within the time frame indicated above. Your written response should be sent to:

Sally Martyn
U.S. Environmental Protection Agency
Superfund Branch, Mail Stop: HW-113
1200 Sixth Avenue
Seattle, Washington 98101

Bunker Hill Superfund Site Mediation

EPA is also interested in learning whether you would like to participate in the ongoing Bunker Hill Superfund site mediation negotiations currently involving EPA, Idaho, and Gulf Resources & Chemical Corporation. EPA has recently invited to the mediation the other Bunker Hill site PRPs as well as the upstream mining companies and smelter ore suppliers identified on the attached lists. Although not currently named as PRPs, such parties' involvement at the site is being evaluated by EPA. Enclosed are copies of the Mediation Agreement and draft Mediation Groundrules developed by EPA, IDHW, Gulf, and the Mediation Institute. The mediation negotiations are currently suspended, however, as Gulf has requested sixty days following EPA's issuance of the additional PRP notice letters, CERCLA 104(e) requests for information to the upstream mining companies, and mediation notice letters to the ore suppliers, to decide whether to continue the mediation.

EPA believes that it is in the best interests of all parties associated with the Bunker Hill Superfund site to develop a unified and voluntary approach to settlement such as may be possible through mediation. Participation in the mediation will also provide an opportunity for early involvement in future remediation and cleanup activities and decisions at the Bunker Hill site. This is in addition to the formal CERCLA public comment periods for the Bunker Hill RI/FSSs, RODs, or any judicial consent decrees. Furthermore, any agreements for remedial action will be embodied in formally executed judicial consent decrees with provisions for a covenant not to sue, contribution protection, and other statutory provisions as set forth in CERCLA.

The factual and legal discussions contained in this letter are intended solely for notification and information purposes, and cannot be relied upon as a final agency position. However, this letter shall constitute formal notice of the opportunity to participate in the Bunker Hill Superfund site mediation and settlement negotiations.

Thank you for your prompt attention to this matter. Please provide your written response to EPA's request for information within twenty-one days as set forth above and please notify EPA whether you wish to participate in the Bunker Hill mediation negotiations. If you have any technical questions, please contact either Sally Martyn at (206) 442-2102 or Kevin Oates at (206) 442-6524. Legal questions should be addressed to Allan Bakalian, Assistant Regional Counsel at (206) 442-1789.

I look forward to hearing from you shortly.

Sincerely,

Charles E. Findley, Director
Hazardous Waste Division

Enclosure

cc: Cheryl Koshuta, IDHW
Curt Fransen, Esq., IDHW
Peter Mounsey, USDOJ
Jerry Cobb, PHHD
Bunker Hill PRPs
Bunker Hill upstream mining companies
Bunker Hill ore suppliers

LIST OF ADDRESSES FOR
BUNKER HILL UPSTREAM MINING COMPANIES LETTER

1. F.D. Quigley, Manager
Asarco, Inc.
Northwest Mining Corporation
516 Bank Street
P.O. Box 440
Wallace, Idaho 83873
2. Hull, Hull, & Wheeler
Registered Agent for:
Callahan Mining Corporation
Idaho First National Bldg.
Wallace, Idaho 83873
3. Dennis E. Wheeler
Registered Agent for:
Coeur d'Alene Mines Corporation
505 Front Avenue
Coeur d'Alene, Idaho 83814
4. Hecla Mining Company
Mr. Arthur Brown, President
6500 Mineral Drive
Box C-8000
Coeur d'Alene, Idaho 83814-1931
(previously notified as a PRP)
5. H.F. Magnuson
Registered Agent for:
Highland Surprise Construction Mining Company
Box 469, Scott Bldg.
Wallace, Idaho 83873
6. Paula R. Harrison
Registered Agent for:
Silver Bowl, Inc.
East 10900 Wolf Lodge Bay Road
Coeur d'Alene, Idaho 83814
7. C.T. Corporation System
Registered Agent for:
Sunshine Precious Metals, Inc.
300 North 6th St.
Boise, Idaho 83701
8. C.T. Corporation System
Registered Agent for:
Union Pacific Railroad
300 North 6th Street
Boise, Idaho 83701
(Owner, Operator, Transporter - Request for Information)